



# City Council Agenda

Council President  
**Henry Perea**

Councilmembers

**Tom Boyajian**  
**Brian Calhoun**  
**Brad Castillo**

**Jerry Duncan**  
**Sal Quintero**  
**Daniel Ronquillo**, Acting President

City Manager  
**Daniel G. Hobbs**

City Clerk  
**Rebecca E. Klisch , CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

**TUESDAY, JANUARY 15, 2002**

**IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.**

## **8:30 A.M. ROLL CALL**

Invocation by Pastor Rod Sees of the Butler Mennonite Church  
Pledge of Allegiance to the Flag

Resolution of Commendation to "CARE FRESNO VOLUNTEER MARILYN CLAVERIE" - Mayor Autry and Council President Perea

Proclamation of "PIG BOWL IX" - Mayor Autry and All Councilmembers

## **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of January 8, 2002

### **Action Taken:**

- A. **CONTINUED HEARING** to consider approving a Disposition and Development Agreement between the Redevelopment Agency, and AB Parking Facilities, LLC, for Agency-owned property known as Lots 3 located at the northeast corner of Broadway and the Mariposa Mall (Central Business District Redevelopment Project Area) (*Council and Agency action*)

### **Action Taken:**

1. **JOINT RESOLUTION** - (1) Making findings for and adopting mitigated negative declaration for environmental assessment C-01-98 (conditional use permit) (2) Approving a Disposition and Development Agreement between the Redevelopment Agency, and AB Parking Facilities, LLC, and (3) Making certain findings pursuant to Health & Safety Code Section 33433, for sale and development of a parking structure on agency-owned property known as Lot 3 located at the northeast corner of Broadway Street and Mariposa Mall (Central Business District Redevelopment Project Area)

### **Action Taken:**

- B. Consider recommending that the Agency Board and City Council approve the following matters concerning an Owner Participation Agreement with Coast to Coast Petroleum, LLC, for the development of property at the southeast corner of South Elm and East Jensen Avenues, in the southwest Fresno General Neighborhood Renewal Area Redevelopment Project: (*Council and Agency action*)

1. **JOINT RESOLUTION** - (A) selecting Coast to Coast Petroleum, LLC, as Owner Participant, (B) waiving certain owner participation criteria, (C) making certain findings pursuant to Sections 33421.1 and 33445 of the Community Redevelopment Law, and (D) Approving the Owner Participation Agreement with Coast to Coast Petroleum, LLC;

### **Action Taken:**

2. Accept the finding of Categorical Exemption for Environmental Assessment No. C-01-095; and,

### **Action Taken:**

3. Authorize execution of the Owner Participation Agreement.

### **Action Taken:**

- C. Direction to staff to prepare clean up amendments to the development agreement and land sale contract between Community Medical Center, the City of Fresno and the Redevelopment Agency related to Regional Medical Center Campus Project and establish a \$3.5 million reserve fund

### **Action Taken:**

- D. Direct staff to initiate study to expand Central Area Redevelopment Project Area - Council President Perea

### **Action Taken:**

***\*ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

## **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

**9:00 A.M. HEARING** to consider the adoption of environmental findings and a resolution of necessity for the acquisition of property owned by the Union Pacific Railroad Company on the westerly side of "H" Street between Fresno and Stanislaus Streets (a portion of APN 465-040-11U, and a portion of 467-030-27U); property owned by John C. Coleman, Jr., on the westerly side of "H" Street between Kern and Mono Streets (APN 467-040-20s, 22s, & 23s); and property owned by Cherta Farms on the westerly side of "H" Street between Tulare and Kern Streets (APN 467-040-17s), to provide stadium event parking for the downtown stadium project (*Council action*)

**Action Taken:**

**a.** Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. C-01-234

**Action Taken:**

**b. \* RESOLUTION** - Determining that public interest and necessity require the acquisition of property for public purposes for the development of public parking in support of the Downtown Stadium Project, and authorizing eminent domain proceedings for public use and purpose (*Requires 5 affirmative votes*)

**Action Taken:**

### **ADJOURN AGENCY**

**COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.**

**THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.**

Approve Council minutes of January 8, 2002

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

**\*ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

## TIME SCHEDULED HEARINGS AND MATTERS

- 9:55 A.M.** Approve \$200,000 Payment Agreement with the Fresno Diamond Group regarding the downtown stadium construction - City Attorney  
**Action Taken:**
- 10:00 AM#1 HEARING** to consider the Official Plan Line for Willow Avenue between Herndon and Copper Avenues (*District 6*)  
**Action Taken:**
- a. Approval of the finding of a Negative Declaration, EA 2001-10, dated June 5, 2001, prepared jointly by the cities of Fresno and Clovis  
**Action Taken:**
  - b. **BILL** - Adoption of the Official Plan Line for Willow Avenue  
**Action Taken:**
- 10:00 AM#2 HEARING** to consider Rezone Application No. R-01-42 and environmental findings, filed by American Campus - Titan LLC, for 4.84 acres located on the northeast corner of E. Barstow Avenue and N. Tenth Street, west of N. Cedar Avenue (1680 E. Barstow Avenue) (*District 4*)(*Request to continue by Acting Council President Castillo*)  
**Action Taken:**
- a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. R-01-42
  - b. **BILL** - Amending the Official Zone Map to rezone property from R-1-C zone district to the R-3/UGM zone district  
**Action Taken:**
- 10:15 A.M. HEARING** to consider Plan Amendment No. A-01-027, Rezone Application No. R-01-045, and environmental findings, filed by Eduardo Quintana, for 0.15 acre located on the west side of North Humboldt Avenue south of West Belmont Avenue (*District 3*)(*Continue to 1/29/02 @ 10:30 a.m.*)  
**Action Taken:**
- a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-01-027, R-01-045 dated November 5, 2001
  - b. **RESOLUTION** - Amending the Fresno High-Roeding Community Plan
  - c. **BILL** - Amending the Official Zone Map to rezone property from R-1 (Single-Family Residential) zone to district to the P/cz (Off-Street Parking/with conditions) zone district
- 10:20 A.M.#1** Federal Courthouse Project: Authorize site clearance, traffic controller and cable box relocation and replacement parking improvements and adopt the 68<sup>th</sup> amendment to the Annual Appropriation Resolution No. 2001-200
- a. \* **RESOLUTION** - 68<sup>th</sup> amendment to the Annual Appropriation Resolution No. 2001-200 by appropriating \$90,000 to complete certain preparatory work for the Federal Courthouse Project  
**Action Taken:**
- 10:20 A.M.#2** Report from staff and direction for handling parking needs of City employees in parking lots PT/PTW (southwest corner of Tulare and "P" Streets and Tulare and "O" Streets) - Councilmember Quintero  
**Action Taken:**

***\*ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

<b>TIME SCHEDULED HEARINGS AND MATTERS CONTINUED</b>
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**10:30 A.M.** Review and acceptance of the Impact Fee Annual Report as required by California Government Code - DAS/Public Works Department

**Action Taken:**

**10:45 A.M.** Reaffirm 2001-2004 Consolidated Plan Priorities for 2002-2003 Annual Action Plan

**Action Taken:**

**2:00 P.M.**

<b>CONTESTED CONSENT CALENDAR</b>
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**2:30 P.M.** **CONTINUED HEARING** to consider the adoption of a resolution of necessity for the acquisition of property at 5729 W. McKinley Avenue, (APN 312-101-33), owned by John and Constance Pedersen; and property at 5518 W. Olive Avenue, (APN 312-440-17), owned by Gaylord & Dorothy Peelman  
*(District 1)*

**Action Taken:**

- a. \* RESOLUTION** - Determining that public interest and necessity require the easements and rights- of-way for public street purposes over, under, through and across property for the construction of portions of N. Polk and N. Carnegie Avenues as development requirement of UGM Tract No. 4493 and authorizing eminent domain proceedings for public use and purpose  
*(Requires 5 affirmative votes)*

**Action Taken:**

*(Acting Council President Castillo will be present for the 4:30 P.M. and the 5:00 P.M. items via teleconference call from the Executive Boardroom, Double Tree Hotel-Ontario, California, 222 N. Vineyard Avenue)*

**4:30 P.M. \* RESOLUTION** - Authorizing the issuance of Fresno Pension Obligation Bonds, refunding series of 2002; approving the form of and authorizing the execution and delivery of a second supplemental trust agreement, an escrow agreement, a continuing disclosure certificate, a contract of purchase, Preliminary Official Statement and an Official Statement and authorizing other matters relating thereto

**Action Taken:**

**5:00 P.M.** Award a construction contract to Mauldin-Dorfmeier for construction of a surface water treatment facility

**Action Taken:**

**5:05 P.M.** Appearance by Armando Zavala to request signs on City buses stating "Say no to alcohol"

**Action Taken:**

***\*ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

## **GENERAL CONSENT CALENDAR**

**(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)**

### **1A-1. DEPT. OF ADMINISTRATIVE SERVICES**

- a. \* **RESOLUTION** - 9<sup>th</sup> amendment to Salary Resolution No. 2001-199 to create the Class of Instrumentation Technician; and move the class of Curator of Education from white collar to management confidential  
**Action Taken:**
- b. \* **RESOLUTION** - 8<sup>th</sup> amendment to Salary Resolution No. 2001-199 amending the salary range of Fire Prevention Engineer  
**Action Taken:**
- c. Award a contract for installation of 8" water mains in North Forkner Avenue and West Wrenwood Avenue - Public Utilities  
**Action Taken:**
- d. Award a contract for sanitary sewer rehabilitation by method of cured in place pipe (Jensen Avenue) - Pub. Works  
**Action Taken:**
- e. \* **RESOLUTION** - Approve the 66<sup>th</sup> amendment to the AAR Resolution No. 2001-200 moving \$9,400 in additional salary for the Council President and \$20,600 for the Executive Analyst to the Council from the Council support budget to the District 7 operating budget - Budget Division ***(Requires 5 affirmative votes)***  
**Action Taken:**

### **1A-2. CITY ATTORNEY**

### **1A-3. CITY CLERK'S OFFICE**

### **1A-4. CITY COUNCIL/MAYOR'S OFFICE**

- a. Approve appointment of Hal Kissler to the Planning Commission - Mayor Autry  
**Action Taken:**

***\*ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

## **GENERAL CONSENT CALENDAR CONTINUED**

### **1A-5. CITY MANAGER**

- a. Approval of the Economic Development Corporation of Fresno County Renewal Contract for 2001 contract

**Action Taken:**

### **1A-6. CONVENTION CENTER**

### **1A-7. DEVELOPMENT DEPARTMENT**

### **1A-8. FIRE DEPARTMENT**

### **1A-9. DEPARTMENT OF HOUSING AND NEIGHBORHOOD REVITALIZATION**

### **1A-10 PARKS, RECREATION AND COMMUNITY SERVICES**

### **1A-11 POLICE DEPARTMENT**

- a. Approve the transfer of a Deputy Recreation Manager from the Police Department to the Parks, Recreation and Community Services Department

**Action Taken:**

- 1. \* **RESOLUTION** - Authorizing the 63<sup>rd</sup> amendment to the AAR Resolution No. 2001-200 by appropriating \$36,000 (*Requires 5 affirmative votes*)

**Action Taken:**

- 2. \* **RESOLUTION** - 11<sup>th</sup> amendment to the PAR Resolution No. 2001-201 to transfer a Deputy Recreation Manager

**Action Taken:**

- b. **RESOLUTION** - Authorizing the lease-purchase of a hazardous duty robot and related communication equipment without competitive bidding under the sole source exception

**Action Taken:**

### **1A-12 PUBLIC UTILITIES DEPARTMENT**

- a. Approve an interim contract for Public Information Services for the Department of Public Utilities

**Action Taken:**

- b. \* **RESOLUTION** - 7<sup>th</sup> amendment to the Position Allocation Resolution No. 2001-201 to add one grant-funded staff assistant position in the Solid Waste Management Division-Recycling Program

**Action Taken:**

### **1A-13 PUBLIC WORKS DEPARTMENT**

### **1A-14 RETIREMENT OFFICE**

***\*ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

## **GENERAL CONSENT CALENDAR CONTINUED**

### **1A-15 TRANSPORTATION DEPARTMENT**

- a. Approve Professional Services Agreement with Dale Rutherford, AIA, for architectural services to survey, design, and specify acoustic treatment of homes in the FAR Part 150 Noise Compatibility Program for the Fresno Yosemite International Airport under Federal Aviation Administration (FAA) AIP Grant No.3-06-0087-36

**Action Taken:**

- b. Approve Professional Services Agreement with Brown-Buntin Associates, Inc., for acoustic consultant services to monitor, design, and specify acoustic treatment of homes in the FAR Part 150 Noise Compatibility Program for the Fresno Yosemite International Airport under Federal Aviation Administration (FAA) AIP Grant No.3-06-0087-36

**Action Taken:**

### **1B. CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS**

### **2. PLANNING AND ZONING ADMINISTRATION**

#### **CLOSED SESSION**

#### **A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)**

1. **Case Name:** City of Fresno v. Elins Fresno, Inc., et al.
2. **Case Name:** City of Fresno v. County of Fresno, LAFCO and City of Clovis
3. **Case Name:** City of Fresno v. Charles Pashayan, et al.

**Action Taken:**

#### **B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)**

**Significant Exposure to Litigation:**

1. **Case Name:** Patriot Homes and Patriot Homes II v. City of Fresno

**Action Taken:**

***\*ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***



3. **GENERAL ADMINISTRATION**

- A Adoption of ordinances adding Sections to the Fresno Municipal Code for the implementation of a reciprocity agreement with the California Public Employees Retirement System (CalPERS) and approve the reciprocity agreement with CalPERS
1. \* **BILL NO. B-1 (Intro. 1/8/02) (For adoption)** - Adding Section 2-1745A to the Fresno Municipal Code, providing for reciprocity between the Fire and Police Retirement System and the California Public Employees Retirement System  
**Action Taken:**
2. \* **BILL NO. B-2 (Intro. 1/8/02) (For adoption)** - Adding Section 2-1854 to the Fresno Municipal Code, providing for reciprocity between the Employees Retirement System and the California Public Employees Retirement System  
**Action Taken:**
- B. \* **BILL NO. B-3 (Intro. 1/8/02) (For adoption)** - Amending Sections 2-1745 relating to eligibility requirements of the post retirement supplemental benefit in the Fire and Police Retirement Systems  
**Action Taken:**
1. \* **BILL NO. B-4 (Intro. 1/8/02) (For adoption)** - Amending Sections 2-1853 relating to eligibility requirements of the post retirement supplemental benefit in the Employees Retirement Systems  
**Action Taken:**

4. **CITY ATTORNEY**

5. **CITY COUNCIL**

- A. **RESOLUTION** - Urging California Public Utilities Commission to adopt the “postage stamp” allocation methodology to allocate the revenue requirement of the California Department of Water Resources among the three electric utilities within the state, in order to effectuate pro rata sharing of energy costs - Council President Perea  
**Action Taken:**
- B. Approve City Council meeting schedule Option 1 or Option 2  
**Action Taken:**

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

**\*ITEMS SUBJECT TO MAYOR’S VETO OR RECONSIDERATION**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

**Jan. 22 - NO MEETING - MARTIN LUTHER KING**

**Jan. 29 - 10:00 A.M. CONTINUED HEARING** re: CUP No. C-01-244, filed by Derrel's Mini Storage

**Jan. 29 - 10:15 A.M. HEARING** re: Rezone Appl. No. R-01-046, CUP No. C-01-199, filed by Jordan Freeman

**Jan. 29 - 10:30 A.M. HEARING** re: Plan Amendment No. A-01-027, Rezone Appl. R-01-045, CUP No. C-01-253, filed by Eduardo Quintana

**Jan. 29 - 10:45 A.M.** Presentation by COG re: Rail Consolidation Update (30 minutes)

**Jan. 29 - 11:15 A.M.** Convention and Visitors Bureau - Councilmember Duncan

**Feb. 19 - 10:00 A.M. HEARING** re: vacation of portions of "F" Street and "E" and "F" alley southeast from Santa Clara Street - R.I. 1026-D